

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: RICKEY O. BRATHWAITE
 Debtor(s)
 CHARLES J. DEHART, III
 CHAPTER 13 TRUSTEE
 Movant

CHAPTER 13

vs.
RICKEY O. BRATHWAITE
 Respondent(s)

CASE NO: 5-18-03198-RNO

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on February 28, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on July 31, 2018.
2. A hearing was held and an Order was entered on November 7, 2018 directing that an amended plan be filed within sixty (60) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

eMail: amchale@pamd13trustee.com

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: RICKEY O. BRATHWAITE

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-18-03198-RNO

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA

Date: March 20, 2019

Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: February 28, 2019

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: RICKEY O. BRATHWAITE

Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE

CHAPTER 13

Movant

RICKEY O. BRATHWAITE

CASE NO: 5-18-03198-RNO

Respondent(s)

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on February 28, 2019, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

PHILIP W. STOCK, ESQUIRE
706 MONROE ST.
STROUDSBURG, PA 18360-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

RICKEY O. BRATHWAITE
5511 ELMWOOD DRIVE
TANNERSVILLE, PA 18372

Served by 1st Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 28, 2019

Respectfully,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: RICKEY O. BRATHWAITE

| | |
|------------------------|-------------------------|
| Debtor(s) | CHAPTER 13 |
| CHARLES J. DEHART, III | |
| CHAPTER 13 TRUSTEE | |
| Movant | |
| RICKEY O. BRATHWAITE | CASE NO: 5-18-03198-RNO |
| Respondent(s) | |

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.